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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13
14 v.

15 DANIEL SETH FRANEY,
16
17 Defendant.

NO. CR16-5073RBL

GOVERNMENT'S RESPONSE
TO DEFENDANT'S MOTION TO
REOPEN DETENTION HEARING

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19 The United States of America, by and through Annette L. Hayes, United States
20 Attorney for the Western District of Washington, and Todd Greenberg, Assistant United
21 States Attorney for said District, hereby files this response in opposition to the
22 Defendant's Motion to Reopen the Detention Hearing (Doc. 32).

23 The government opposes the reopening of the detention hearing, and submits that
24 the record makes clear that the detention order was and is appropriate in this case. On
25 February 8, 2016, Magistrate Judge Strombom ordered that Franey be detained based
26 largely on the extensive facts contained in the Complaint and the search warrant filed in
27 this matter. Those nearly 60 pages of sworn facts make clear that Franey is a danger to
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1 the community and a risk of flight due to his obsession with obtaining firearms; his
2 repeated discussion of wanting to use the firearms to kill law enforcement and/or military
3 officers; his ardent support for the violent terrorist group ISIL; and his consistent
4 discussion of wanting to travel overseas to fight jihad with ISIL. The government also
5 proffered additional facts to the court at the original detention hearing.

6 Since that time, Franey entered a guilty plea to one of the charges contained in the
7 Indictment in this case. As a result, the burden is on Franey to prove by clear and
8 convincing evidence that he is neither a danger to the community nor a flight risk. *See* 18
9 U.S.C. § 3143(a). Under the present record, Franey fails woefully at meeting this burden.

10 Therefore, the government urges the court to maintain the detention order in this
11 case.

12 DATED this 29th day of September, 2016.

13 Respectfully submitted,

14 ANNETTE L. HAYES
15 UNITED STATES ATTORNEY

16 s/ Todd Greenberg
17 TODD GREENBERG
18 Assistant United States Attorney
19 United States Attorney's Office
20 700 Stewart Street, Suite 5220
21 Seattle, WA 98101
22 Telephone: 206-553-2636
23 Fax: 206-553-4440
24 E-mail: Todd.Greenberg4@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

s/Jenny Fingles
JENNY FINGLES
Legal Assistant
United States Attorney's Office
700 Stewart, Suite 5220
Seattle, Washington 98101-1271
Phone: 206-553-7970
E-mail: jenny.fingles@usdoj.gov